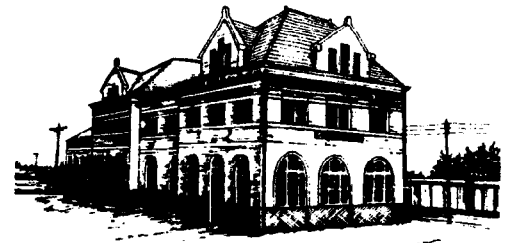


City of
CRESTON, IOWA

116 W. Adams • P.O. Box 449 • Creston, Iowa 50801-0449

Phone 641-782-2000 • Fax 641-782-6377



Creston's Restored Depot and City Hall

MAYOR: Warren Woods

COUNCIL: Larry Wynn, Randy White, Loyal Winborn, Betty Shelton, Marsha Wilson, Larry Wagner, Terry Koets

CITY CLERK: Lisa Williamson

CITY ADMINISTRATOR: Mike Taylor

CITY ATTORNEY: Skip Kenyon

Regular Meeting Agenda

City Hall/Restored Depot

Council Chambers

February 16, 2010

6:00 p.m.

Last updated: 02/12/2010 9:15 AM

- 1. Call Meeting to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Consideration of Agenda**
- 5. Consider Adoption of the Consent Agenda – NOTE:** *These items are routine items and will be enacted by one motion without separate discussion unless a Council member requests an item be removed for separate consideration.*
 - a. Minutes of February 2, 2010 – Regular Meeting
 - b. Claims and Fund Transfers:
 - i. Total Claims - \$130,562.04
 - c. Licenses/Permits:
 - i. Liquor – Walmart
- 6. Public Forum –** *The Mayor and City Council welcome comments from the public on any subject pertaining to City business, including items on this agenda. You are asked to state your name and address for the record and to limit your remarks to 3 minutes in order that others may be given the opportunity to speak. The Order of Business is at the discretion of the Chair. No action will be taken.*
- 7. New Business**
 - a. Resolution to approve request to use Hotel/Motel Funds to purchase new Christmas lights and ribbons – Ellen Gerharz
 - b. Resolution to set date to receive sealed bids for Cottonwood Street Reconstruction Project on March 11, 2010, before 10:00 a.m. in the office of the City Clerk, Creston, Iowa
 - c. Resolution to set a Public Hearing and Consideration of Bids for March 16, 2010 at 6:00 p.m. for the Cottonwood Street Reconstruction Project
 - d. Establish First Reading of Ordinance 10-122 – Amending the Code of Ordinance of the City of Creston, Iowa, 1996, by adding a new section pertaining to Disorderly Houses and by deleting the Subsection on Houses of Ill Fame
 - e. Resolution to approve Partial Payment Estimate No. 4 for East Side Sewer Project for \$116,029.20

- f. Resolution to request Drawdown No. 1 for \$ 116,029.20 from CDBG Funding for East Side Sewer Project
- g. Resolution of Council Support to have properties located at 213 Peterson Street, 917 N. Oak Street and 505 N. Elm Street appraised as part of NSP
- h. Resolution to reappoint Lores Stewart to the Board of Commissioners of the Southern Iowa Regional Housing Authority to expire April 9, 2013

8. Other Items

- a. Census Day is April 1, 2010 – Be sure to complete and return your census form!

9. Adjournment

REGULAR MEETING OF THE CRESTON CITY COUNCIL FEBRUARY 2, 2010

The Creston City Council met in regular session at 6:00 o'clock P.M. on the above date in the Council Chambers of the City Hall Complex with Mayor Woods presiding.

Roll call being taken with the following Council members present: Wynn, White, Winborn, Wagner and Koets. Shelton and Wilson were absent.

Wagner moved seconded by Winborn to approve the agenda. All voted aye. Shelton and Wilson were absent. Motion declared carried.

White moved seconded by Winborn to approve the consent agenda, which included approval of minutes of regular meeting on January 19, 2010, claims of \$120,069.06, fund transfers of \$406.23 and liquor license for Hayes Concession (at Supertel). All voted aye. Shelton and Wilson were absent. Motion declared carried.

Wagner moved seconded by White to go into Closed Session on matters pending litigation per Iowa Code 21.5.1(c). Winborn, Wagner, Koets, Wynn and White voted aye. Shelton and Wilson were absent. Motion declared carried.

Winborn moved seconded by Wagner to come out of Closed Session on matters pending litigation per Iowa Code 21.5.1(c). Koets, Wynn, White, Winborn and Wagner voted aye. Shelton and Wilson were absent. Motion declared carried.

Wynn moved seconded by Koets to reappoint Arnold (Skip) Kenyon III as the City Attorney. All voted aye. Shelton and Wilson were absent. Motion declared carried.

A resolution was offered by Winborn seconded by Koets to acknowledge a settlement agreement for tobacco violation notice for Creston Farm & Home to suspend cigarette permit for 30 days beginning February 15, 2010 and authorize the Mayor and Clerk to execute the proper documentation. Wynn, White, Winborn, Wagner and Koets voted aye. Shelton and Wilson were absent. Resolution declared passed.

A resolution was offered by Winborn seconded by Koets to acknowledge a settlement agreement for tobacco violation notice for American Legion and authorize the Mayor and Clerk to execute the proper documentation. White, Winborn, Wagner, Koets and Wynn voted aye. Shelton and Wilson were absent. Resolution declared passed.

A resolution was offered by White seconded by Wagner to authorize letter of support to the Iowa Finance Authority for the Hotel Iowana Project and authorize the Mayor and Clerk to execute the proper documentation. Koets, Wynn, White, Winborn and Wagner voted aye. Shelton and Wilson were absent. Resolution declared passed.

A resolution was offered by Wagner seconded by White to extend the timeframe of the purchase agreement for the Hotel Iowana Project between Hotel Iowana Limited Partnership and the City of Creston and authorize the Mayor and Clerk to execute the proper documentation. Winborn, Wagner, Koets, Wynn and White voted aye. Shelton and Wilson were absent. Resolution declared passed.

A resolution was offered by White seconded by Wagner to extend the timeframe of the parking agreement between Hotel Iowana Limited Partnership and the City of Creston and authorize the Mayor and Clerk to execute the proper documentation. Wynn, White, Winborn, Wagner and Koets voted aye. Shelton and Wilson were absent. Resolution declared passed.

A resolution was offered by Wynn seconded by White to approve a commercial tax abatement request for MBL Development Co., (Creston Plaza Apts. Phase II) and authorize the Mayor and Clerk to execute the proper documentation. Winborn, Wagner, Koets, Wynn and White voted aye. Shelton and Wilson were absent. Resolution declared passed.

A resolution was offered by Winborn seconded by Wynn to approve I-Jobs Program Grant Award Agreement for I & I Project and authorize the Mayor and Clerk to execute the proper documentation. White, Winborn, Wagner, Koets and Wynn voted aye. Shelton and Wilson were absent. Resolution declared passed.

A resolution was offered by Wynn seconded by White to approve fuel agreement with Agriland and authorize the Mayor and Clerk to execute the proper documentation. Winborn, Wagner, Koets, Wynn and White voted aye. Shelton and Wilson were absent. Resolution declared passed.

During Public Forum, Melvin Scadden asked if there were any updates on nuisance properties, such as 406 N. Vine. Mike Taylor is going to follow up on this and get back to him. Mr. Scadden also asked if the sidewalk snow removal ordinance was being enforced. Mayor Woods said it is being enforced on a complaint basis. He stated he had lodged a complaint with a Police Dispatcher regarding the sidewalks at Jefferson School and nothing had been done about it yet.

Winborn moved seconded by White to adjourn the meeting. All voted aye. Shelton and Wilson were absent. Motion declared carried. Council adjourned at 6:31 P.M.

Mayor

Attest:

City Clerk

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
POLICE PROTECTION	GENERAL FUND	IOWA POLICE CHIEFS ASSOCIATION	MEMBERSHIP DUES-2010	75.00
		NAPA	SPRAY PAINT	11.57
		PETTY CASH - POLICE	#073-POSTAGE	6.83
			#074-POSTAGE	6.09
			#075-POSTAGE	5.25
			#076-POSTAGE	9.16
			#077-POSTAGE	4.87
			#078-POSTAGE	4.02
		SUPREME CLEANERS	UNIFORM CLEANINGS-JAN'10	121.00
			TOTAL:	243.79
FIRE PROTECTION	GENERAL FUND	CRESTON CITY WATER WORKS	WATER-FIRE	12.70
		CRESTON PUBLISHING CO	1 YR RENEWAL-FIRE 3/10-3/1	99.00
		ED M FELD EQUIP CO INC	CLASS A FOAM	357.50
			11-PAILS CLASS A FOAM	357.50
			AIR PACK TESTING-BOTTLES	252.00
			AIR PACK TESTING-BOTTLES	232.50
			HANDLE RPR-ENG 2	20.30
			REPAIR E-2 DIOSCHARGE	950.00
		FIRE SERVICE TRAINING BUREAU	5-FIRE FIGHTING MANUALS	233.90
		ALLIANT ENERGY-INT PWR&LGHT	NATURAL GAS	583.27
			ELECTRICITY	366.22
		IOWA FIRE CHIEFS ASSOC	IFCA DUES	35.00
		JACKSON, TODD	REIMBURSEMENT	50.15
		NAPA	SUPPORTS-BATTERY-SWI	179.17
		SOUTHWESTERN COMM COLLEGE	TESTING 2 VOLUNTEERS	20.00
		TOYNE INC	REPAIR PUMP MANIFOLD	100.00
			TOTAL:	3,849.21
BUILDNG & HSNQ SAFETY	GENERAL FUND	CRESTON PUBLISHING CO	LEGAL ADS/NOTICES-JAN'10	18.11
			TOTAL:	18.11
STREET LIGHTING	GENERAL FUND	ALLIANT ENERGY-INT PWR&LGHT	ELECTRICITY	8,793.58
			TOTAL:	8,793.58
TRAFFIC SAFETY	GENERAL FUND	ALLIANT ENERGY-INT PWR&LGHT	ELECTRICITY	1,940.45
			TOTAL:	1,940.45
AIRPORT	GENERAL FUND	WASTE MANAGEMENT	DUMPSTER-JAN'10	61.96
		ALLIANT ENERGY-INT PWR&LGHT	ELECTRICITY	370.96
		SOUTHWEST IOWA RURAL ELECTRIC	ELECTRICITY-AIRPORT	33.00
		WEST AVIATION INC	PER FBO CONTRACT	1,354.17
			TOTAL:	1,820.09
SOLID WASTE CLCT/DSPSL	GENERAL FUND	WASTE MANAGEMENT	GARBAGE COLLECT-JAN'10	35,732.35
			TOTAL:	35,732.35
LIBRARY SERVICES	GENERAL FUND	CRESTON CITY WATER WORKS	WATER-LIBRARY	12.19
		WASTE MANAGEMENT	DUMPSTER-JAN'10	40.89
		ALLIANT ENERGY-INT PWR&LGHT	NATURAL GAS	569.53
			ELECTRICITY	558.28
			TOTAL:	1,180.89
	GENERAL FUND	FARM & HOME SUPPLY INC	2-GAL PAINT	19.61
		ALLIANT ENERGY-INT PWR&LGHT	ELECTRICITY	884.71
			TOTAL:	904.32

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
RECREATION	GENERAL FUND	ALLIANT ENERGY-INT PWR&LGHT	ELECTRICITY	135.95
			TOTAL:	135.95
C L I N I C	GENERAL FUND	CJ COOPER & ASSOCIATES INC	RANDOM DRUG SCREEN-HODGE	30.00
		WASTE MANAGEMENT	DUMPSTER-JAN'10	61.96
		GREATER REG MEDICAL CNTR	DRUG SCREEN-HODGE	22.00
		ALLIANT ENERGY-INT PWR&LGHT	ELECTRICITY	330.24
		STEVE KING OFFICE SUPPLY ACCOUNT	4-US NYLON FLAGS	72.00
		TRUE VALUE HARDWARE & RENTAL	PORTABLE GENERATOR	429.99
			TOTAL:	946.19
SWIMMING POOL	GENERAL FUND	ALLIANT ENERGY-INT PWR&LGHT	NATURAL GAS	20.32
			ELECTRICITY	326.60
			TOTAL:	346.92
FINANCIAL ADMINISTRATN	GENERAL FUND	BANKERS LEASING CO	COPIER LEASE-MAINTENANCE	325.65
		CRESTON PUBLISHING CO	LEGAL ADS/NOTICES-JAN'10	225.43
		HEARTLAND TECHNOLOGY SOLUTIONS	REMOTE LABOR-BACKUP	28.75
		SOUTHWEST IOWA CLERKS ASSOCIATION	MEMBERSHIP DUES	20.00
			TOTAL:	599.83
LEGAL SERVICES	GENERAL FUND	AHLERS/COONEY/DORWEILER/HAYNIE/	PROF SVCS PARK LANE DEV	243.96
			TOTAL:	243.96
CITY HALL	GENERAL FUND	ALLIANT ENERGY-INT PWR&LGHT	NATURAL GAS	1,375.16
			ELECTRICITY	473.42
		INNOVATIVE INDUSTRIES INC	JANITORIAL SVCS-JAN'10	246.00
			TOTAL:	2,094.58
INSURANCE (GENERAL)	GENERAL FUND	EMC INSURANCE COMPANIES	DEDUCTIBLE-HOLLIDAY	3,000.00
			TOTAL:	3,000.00
COMMUNITY CENTER MAINT	COMMUNITY CENTER	FCI FLOORS	REPAIRS ON GYM FLOOR	1,700.00
		SCHROEDER PLUMBING & ELECTRICAL	RPRS ON LOBBY FURNACE YMC	357.50
			TOTAL:	2,057.50
ROAD MAINTENANCE	ROAD USE TAX	ARAMARK (LAUNDRY ACCTS)	LAUNDRY SERVICE	28.50
		NORSOLV SYSTEMS ENVIRONMENTAL SERVICES	SERVICE CLEANING UNIT	103.45
		BYERS, JUSTIN G	HIGH SECURITY LOCKS/KEYS	621.22
		CJ COOPER & ASSOCIATES INC	RANDOM DRUG SCREEN-HARRIS	30.00
			RANDOM DRUG SCREEN-BAKER	30.00
		CRESTON AUTO PARTS INC	BRAKE/CARB CLEANER-OIL DR	115.74
		GARDEN & ASSOCIATES	COTTONWOOD RECONSTRU	6,777.00
		GREATER REG MEDICAL CNTR	DRUG SCREEN-BAKER/HARRIS	78.00
		ALLIANT ENERGY-INT PWR&LGHT	NATURAL GAS	766.93
			ELECTRICITY	567.22
		IOWA DEPT OF TRANSPORTATION	2-SAFETY VESTS-XXXL	65.17
		NAPA	FITTINGS-HOSES-BULBS,ETC	127.42
		O'HALLORAN INTERNATIONAL INC	1 DRAG LINK-TRK '00'	118.28
		RHINE BODY REPAIR	PAINT RIGHT FRONT FENDER	156.00
		ZIEGLER INC	2-TIE ROD ENDS-GRADER	286.60
			TOTAL:	9,871.53
AND ICE CONTROL	ROAD USE TAX	HALLETT MATERIALS	26.7 TON ICE CONTROL SAND	235.49
			56.83 T ICE CONTROL SAND	500.10
			28.27 T ICE CONTROL SAND	274.22

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			61.51 T ICE CONTROL SAND	596.65
			82.86 T ICE CONTROL SAND	803.74
		INDEPENDENT SALT COMPANY	25.75 TON ROCK SALT	1,621.99
		O'HALLORAN INTERNATIONAL INC	RIGHT FENDER	363.38
			TOTAL:	4,395.57
MC KINLEY PARK RENOVAT RESTRICTED GIFTS-M GARDEN & ASSOCIATES			SVCS FOR SAFE ROOM	7,536.50
			TOTAL:	7,536.50
SANITARY SEWER/WASTWTR SEWER OPERATING FU CLEAN BURN OF IOWA			SVC/RPR OIL FURNACE	698.24
			REGULATOR KIT	40.71
		CRESTON CITY WATER WORKS	1/2 ONE CALLS-JAN'10	29.70
		WASTE MANAGEMENT	DUMPSTER-JAN'10	75.14
		HARRY FERRIS COMPANY	FLO METER CALIBRATIO	495.00
		HEARTLAND TECHNOLOGY SOLUTIONS	REMOTE LABOR	57.50
		HYGIENIC LABORATORY	2-NH3'S	36.00
			1-DMRQA-29 TESTING	15.00
			BOD'S	72.00
			TSS	36.00
			NH3'S	36.00
			2-NH3'S	36.00
			PLANT METALS	116.00
			2-NH3'S	36.00
			1 BOD-1 TSS-2 NH3'S	54.00
		ALLIANT ENERGY-INT PWR&LGHT	NATURAL GAS	1,864.88
			ELECTRICITY	5,651.71
		IOWA DEPT OF TRANSPORTATION	6-SAFETY VESTS	167.92
		IOWA WATER POLLUTION CONTROL ASSOC	2-BIO SOLIDS SCHOOL	190.00
		MELLEN & ASSOCIATES INC	REPLACEMENT STARTERS	480.00
			LABOR FOR PINCH VALV	95.00
		NAPA	BOLTS & RIVETS	12.59
			CLEANER-NUTS-SKIDS	28.39
		NORTH CENTRAL LABORATORIES	SOLUTION-STANDARDS-S	205.26
		TOTAL BACKFLOW AND METER RESOURCES INC	WATER METER CALIBRATION	215.00
		UPS	POSTAGE	19.50
			TOTAL:	10,763.54
ANIMAL CONTROL		ANIMAL SHELTER *AG CRESTON PUBLISHING CO	CARE ADS-JAN'10	29.30
		SOUTHERN HILLS VET SVC INC	NEUTER DOG-S ALLBAUGH	95.50
			TOTAL:	124.80

===== FUND TOTALS =====

001	GENERAL FUND	61,850.22
006	COMMUNITY CENTER	2,057.50
110	ROAD USE TAX	14,267.10
166	RESTRICTED GIFTS-MCKNLY P	7,536.50
610	SEWER OPERATING FUND	10,763.54
953	ANIMAL SHELTER *AGENCY FU	124.80

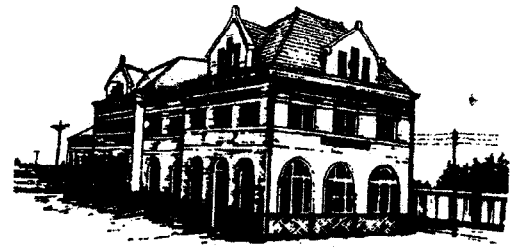
 GRAND TOTAL: 96,599.66

CITY OF CRESTON
MANUAL CHECKS/DEBITS – PERIOD ENDING 02/16/10

NO DEPT ENTERED		
ELECTRONIC FEDERAL TAX	TAX DEPOSIT	12,869.72
TOTAL ADMINISTRATIVE SVC	FLEX	906.11
COLLECTION SERVICES		259.75
NO DEPT ENTERED	TOTAL	\$ 14,035.58
FINANCIAL ADMINISTRATION		
FIRST NATIONAL BANK	DEPOSIT TICKETS	65.60
FINANCIAL ADMINISTRATION	TOTAL	\$ 65.60
SELF FUNDING INSURANCE		
AMERICAN ADMINIS – CLAIMS (2)	INV CHECK RUN	19,861.20
SELF FUNDING INSURANCE	TOTAL	\$ 19,861.20
GRAND TOTALS		\$ 33,962.38

CRESTON POLICE DEPARTMENT

302 N. Pine Street Creston, IA 50801-0449
Phone 641-782-8402 • Fax 641-782-8404



Creston's Restored Depot and City Hall

To: Lisa Williamson, City Clerk

From: Paul Ver Meer, Chief of Police

Subj: Walmart Liquor Licence

Date: February 3, 2010

Lisa,

As you requested I have looked into any past violations by the establishment that would block their request for a new liquor license. I have found no alcohol violations for the establishment within the past year. I find no reason why a license should not be issued to Walmart.

Respectfully,

Paul Ver Meer
Chief of Police

TO THE CITY COUNCIL—FIRE CHIEF'S REPORTClass C Liquor License, Outdoor Service and Sunday Sales Permits

Fire Chief's Recommendation for Application By:

Wal-mart Contact person: Amy HookAddress: 806 Laurel Telephone: 782-6954Remarks by Fire Chief: Minor infractions to be
corrected

Recommendation to City Council:

Approval of Application X

Disapproval of Application* _____

*Explain reason in remarks above

02/09/10
Date[Signature]
Fire Chief's - Signature

REC'D FEB 09 2010

Application received by City Clerk's Office: _____

Application will be presented to City Council: 02.10.10Please file report with City Clerk's Office by: 02.11.10Applicant's license expires: 04.12.10

From: Ellen Gerharz [mailto:chamber@crestoniowachamber.com]
Sent: Wednesday, February 10, 2010 10:40 AM
To: Lisa Williamson
Cc: Mike Taylor
Subject: Fw: Agenda Item for City Council Meeting on February 16th

TO: Creston City Council
RE: Request of Hotel/Motel Money to purchase replacement lights for Christmas Decorations and additional bows to replace those that have faded along Sumner and Hwy 34

Below is a listing of lights to be purchased with this money:

All American Christmas Company – www.aachristmas.com

C9SB -CASE-TB	2 cases of 500 lights	2@ \$97.00 = \$194.00
C9SB-CASE-TG	2 cases of 500 lights	2@ \$97.00 = \$194.00
C9SB-CASE-TR	2 cases of 500 lights	2@ \$97.00 = <u>\$194.00</u>
Sub-total		\$582.00

1000 F-15 AMBER FLAME BULBS (See quote attached) \$1950.00

Total Amount of Hotel/Motel Money for lighting
Shipping is included in the price **\$2532.00**

Replacement Bows
(See attached Quote)
Wayne Manufacturing Company

112 - #87-42 – 20" replacement Bows 112 @ 17.00 each =
\$1904.00

(price is 15% off regular price and shipping is
Additional charge - not included in this figure
and won't be added if the Bows are picked
up in Charitan)

Total Amount of Hotel/Motel Money
Requested for all item **\$4436.00**

For additional questions or information please contact Ellen at the Creston Chamber of Commerce

Ellen Gerharz
Executive Director
Creston Chamber of Commerce
208 West Taylor, PO Box 471
Creston, IA 50801
(641) 782-7021
chamber@crestoniowachamber.com
www.crestoniowachamber.com

From: "Steve Broyles" <info@aachristmas.com>
To: "Ellen Gerharz" <chamber@crestoniowachamber.com>
Subject: Quote on F-15 Amber Flame Bulb
Date: Tuesday, February 09, 2010 1:27 PM

Ellen,

For 1000 of the F-15 Amber Flame Bulb standard incandescent for a Fall delivery would be \$1.95 each and this would include the shipping. Total Price \$1950.00 if you wanted these in LED the price would be \$4.95 each. To lock this price in I would like to have the order no later than the 10 of March. We can accept a signed purchased order. Payment terms Net 30 from delivery.

Thank you have allowing us to quote your replacement bulbs. And if you need any quotes on pole decorations or displays we would to present one as well. You can see what we offer on these at www.allamericanchristmas.com

Sincerely,
Steve Broyles
All American Christmas Co.
931-836-1212
931-836-2002 [fax]



WAYNE MANUFACTURING COMPANY, L.C.

Office • 116 E. Albia Road • Box 249 • Chariton, Iowa 50049-9778
641-774-2246 • FAX 641-774-2542 • 1-800-448-9627

February 10, 2010

Chamber of Commerce
Attn: Ellen Gerharz
PO Box 471
Creston, IA 50801

We are pleased to submit this PROPOSAL for your Christmas Decorating Program. ALL decorations are covered by our 4 Season Warranty on a NON-Prorated basis and backed by over 35 years experience in the industry.

PROPOSAL

	Price if Purchased <u>By Feb. 26, 2010</u>	<u>Extension</u>
112 - #87-42 - 20" replacement bows	\$ 17.00	\$1,904.00
Estimated Shipping Charges		<u>85.00</u> \$1,989.00

PRICES GOOD UNTIL: *February 26, 2010*

TERMS: *50% Down Payment with order, Net 30 days after shipment*

FREIGHT: *Prepay/add*

If you have any questions about our products, program or service, please call us at **1-800-448-9627** and we will be at your service!

YOU CAN DEPEND ON US!

Ken Burger

KB:pjs

RESOLUTION NO. 110-10**RESOLUTION TO APPROVE THE EXPENDITURE OF \$4,436.00 TO HELP DEFRAY THE COST OF UPGRADING THE HOLIDAY LIGHTS DISPLAYS FOR THE CITY OF CRESTON:**

WHEREAS, Ellen Gerharz, Executive Director of the Chamber of Commerce, has approached Creston City Council for a contribution of Hotel/Motel Funds in the amount of \$4,436.00 to help defray the cost of upgrading the holiday lights displays for the City of Creston, and;

WHEREAS, the holiday lights displays are an important part of tourism attraction to the City of Creston, and;

WHEREAS, the City of Creston collects hotel and motel taxes to help pay for tourism-related attractions.

BE AND IT IS HEREBY RESOLVED that the Creston City Council approves the expenditure of \$4,436.00 from the hotel and motel proceeds to be paid toward the cost of upgrading the holiday lights displays for the City of Creston.

BE AND IT IS FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute the proper documentation necessary.

BE AND IT IS FURTHER RESOLVED that any Resolution in conflict herewith is hereby repealed.

BE AND IT IS FURTHER RESOLVED that this Resolution be effective immediately upon its passage and approval by the Creston City Council.

PASSED AND APPROVED this 16th day of February 2010.

ROLL CALL VOTE	AYE	NAY	ABSENT	ABSTAIN
Loyal Winborn				
Betty Shelton				
Marsha Wilson				
Larry Wagner				
Terri Koets				
Larry Wynn				
Randy White				

ATTEST:

WARREN WOODS
MAYOR, CITY OF CRESTON

LISA WILLIAMSON
CITY CLERK

ORDINANCE NO. 10-122

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESTON, IOWA, 1996, BY ADDING A NEW SECTION PERTAINING TO DISORDERLY HOUSES AND BY DELETING THE SUBSECTION ON HOUSES OF ILL FAME

Be It Enacted by the City Council of the City of Creston, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Creston, Iowa, 1996 is amended by adding a new Section in Chapter 40, numbered 40.08, entitled DISORDERLY HOUSES, which is hereby adopted to read as follows:

40.08 DISORDERLY HOUSES.

1. Definition. The term "disorderly house" means any structure or any room therein, or any part of the premises adjacent thereto, in or upon which occurs any disorderly conduct as defined in Section 723.4 of the Code of Iowa as it now reads or may hereafter be amended or any violation of the provisions of Section 40.03 of this Code of Ordinances or any of the other following prohibited activities:
 - A. The open storage, use or consumption of a controlled substance as defined in Chapter 124 of the Code of Iowa, under which possession of such substance would be an offense;
 - B. Gambling in violation of Chapter 99B of the Code of Iowa;
 - C. Dispensing, selling or consumption of an alcoholic beverage in violation of Chapter 123 of the Code of Iowa;
 - D. Acts of prostitution, pimping or pandering as defined in Chapter 725 of the Code of Iowa.
2. Keeping a Disorderly House. It is unlawful for any person to knowingly keep a disorderly house as defined in subsection 1. For purposes of this section, "keep" means ownership or having control of a structure or room therein or any part of the adjacent premises. A person shall not be guilty of this offense if that person had taken steps reasonably calculated to abate, eliminate or prevent further acts of disorderly conduct at that time and place including, but not limited to, calling the police or other law enforcement agency and reporting the disorderly conduct which was occurring.
3. Frequenting or Being Found in a Disorderly House. It is unlawful for any person to frequent or be found in a disorderly house as defined in this section. As used herein, a structure, room or adjacent premises may only be defined as a disorderly house at such time disorderly conduct and other acts, which are included in the definition of disorderly house, may be occurring upon the premises.

4. Violation. A violation of this section will constitute a simple misdemeanor with a scheduled fine of one hundred dollars (\$100). Second and subsequent violations will have a scheduled fine of two hundred fifty dollars (\$250).

SECTION 2. SUBSECTION REPEALED. The Code of Ordinances of the City of Creston, Iowa, 1996, is hereby amended by repealing Chapter 50, Section 02, Subsection 20, which was deemed to be a nuisance to the City.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect _____, 2010, from and after its final passage, approval and publication as provided by law.

Passed by the Council on the ____ day of _____, 2010, and approved this ____ day of _____, 2010.

WARREN WOODS
Mayor, City of Creston

ATTEST:

LISA WILLIAMSON
Clerk, City of Creston

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. 10-122 on the ____ day of _____, 2010.

LISA WILLIAMSON
Clerk, City of Creston

NOTICE OF SHERIFF'S SALE AND LEVY

Publication Dates:
02/02/10
02/09/10

State of Iowa
Union County

Plaintiff: WELLS FARGO BANK, N.A.)

VS)

Defendant(s): RICHARD J. GIST; ANGELA GIST and)
PARTIES IN POSSESSION)

Iowa District Court

Court Case: **EQCV016260**

Execution Type: **SPECIAL**

As a result of the judgment rendered in the above entitled case, an execution was issued by the Clerk of the District Court to the Sheriff of Union County, Iowa. The execution ordered the sale of the defendants: Real Estate: ☒ Personal Property: ☐. The execution was issued to satisfy a judgment in rem: ☒. The property is described below or on attached sheet.

Description: Lot Numbered Nine (9) in Block Numbered Two (2) in the First Northern Addition to Creston, Union County, Iowa.

E-911 Address: 505 N. ELM, CRESTON **Sale Date:** 3/16/10 **Sale Time:** 11:30 A.M.

Location of Sale: East steps of the Union County Courthouse Creston, Iowa.

Homestead: ☒ Defendant is advised that if the described real estate includes the homestead, (must not exceed ½ acre if in the city or town plat, or, if rural, must not exceed 40 acres.) The defendant must file a homestead plat with the Office of the Sheriff of Union County, Iowa, within 10 days after the service of this notice, or the Sheriff shall have it platted and will assess the costs of this case. After sale of said real estate, the defendant may redeem the property within.

Redemption: One year: ☐ 6 months: ☐ Other: ☐

No redemption: ☒ **THIS SALE IS NOT SUBJECT TO REDEMPTION PER ORDER OF THE COURT.** Property exemption, certain money or property may be exempt. CONTACT your attorney promptly to review specific provisions of the law and file the appropriate notice, if applicable.

Judgment Amount: \$63,684.93

Interest: INTEREST ON THE PRINCIPAL AMOUNT OF \$59,392.05 AT THE RATE OF 6.25% PER ANNUM FROM 10/28/09 UNTIL SATISFIED

Costs of Suit: \$355.00

Other costs: PLUS COSTS OF THIS ACTION AND ACCRUING COSTS

Signed: _____

Rick L. Piel, Sheriff
Union County Sheriff's Office
Deputy:
Ph # 800-252-3520 or 641-782-7717
FAX 641-782-8404

Attorney for Plaintiff:

Name: DAVID M. ERICKSON

Address: 215 10TH ST

SUITE 1300

DES MOINES, IA 50309

Phone: 515-288-2500

Date: 1/25/10

P

NOTICE OF SHERIFF'S SALE AND LEVY

Publication Dates:

02/02/10

02/09/10

State of Iowa
Union County

Plaintiff: FIRST FEDERAL SAVINGS BANK OF
CRESTON, F.S.B.

VS

Defendant(s): TRISHA B. MOFFITT; SEAN R. MONTANYE;
SIRHA; UNION COUNTY CLERK; UNION
COUNTY TREASURER

Iowa District Court

Court Case: **EQCV016292**

Execution Type: **SPECIAL**

As a result of the judgment rendered in the above entitled case, an execution was issued by the Clerk of the District Court to the Sheriff of Union County, Iowa. The execution ordered the sale of the defendants: Real Estate: ☒ Personal Property: ☐. The execution was issued to satisfy a judgment in rem: ☒. The property is described below or on attached sheet.

Description: Lot Numbered Four (4) and Five (5) in Wilkin's First Addition to Creston, Union County, Iowa

E-911 Address: 917 N. OAK ST, CRESTON **Sale Date:** 3/16/10 **Sale Time:** 11:00 A.M.

Location of Sale: East steps of the Union County Courthouse Creston, Iowa.

Homestead: ☒ Defendant is advised that if the described real estate includes the homestead, (must not exceed ½ acre if in the city or town plat, or, if rural, must not exceed 40 acres.) The defendant must file a homestead plat with the Office of the Sheriff of Union County, Iowa, within 10 days after the service of this notice, or the Sheriff shall have it platted and will assess the costs of this case. After sale of said real estate, the defendant may redeem the property within.

Redemption: One year: ☐ 6 months: ☐ Other: ☐

No redemption: ☒ **THIS SALE IS NOT SUBJECT TO REDEMPTION PER ORDER OF THE COURT.**

Property exemption, certain money or property may be exempt. CONTACT your attorney promptly to review specific provisions of the law and file the appropriate notice, if applicable.


Judgment Amount: \$49,194.89

Interest: INTEREST ON THE PRINCIPAL AMOUNT OF \$49,194.89 AT THE RATE OF 6.25% PER ANNUM FROM 9/22/09

Costs of Suit: \$309.00

Other costs: ATTORNEY FEES OF \$497.50, PLUS COSTS OF THIS ACTION AND ACCRUING COSTS

Signed: _____


Rick L. Piel, Sheriff
Union County Sheriff's Office
Deputy:
Ph # 800-252-3520 or 641-782-7717
FAX 641-782-8404

Attorney for Plaintiff:

Name: ARNOLD O. KENYON, III

Address: 211 N. MAPLE ST.
CRESTON, IA 50801

Phone: 641-782-7007

Date: 1/25/10

NOTICE OF SHERIFF'S SALE AND LEVY

Publication Dates:

2/4/10

2/11/10

State of Iowa
Union County

Plaintiff: WELLS FARGO BANK, N.A.)

VS)

Defendant(s): ESTATE OF PEGGY L. O'NEILL AKA PEGGY
O'NEILL, SPOUSE OF PEGGY L. O'NEILL AKA
PEGGY O'NEILL, STATE OF IOWA,
SCHROEDER PLUMBING AND ELECTRICAL,
ALL KNOWN AND UNKNOWN CLAIMANTS
AND ALL PERSONS KNOWN OR UNKNOWN
CLAIMING ANY RIGHT, TITLE OR INTEREST
AND ALL OF THEIR HEIRS, SPOUSES,
ASSIGNS, GRANTEES, LEGATEES, DEVISEES
AND ALL BENEFICIARIES OF EACH AND ALL
OF THE ABOVE-NAMED DEFENDANTS and
PARTIES IN POSSESSION)

Iowa District Court

Court Case: EQCV016169

Execution Type: SPECIAL

As a result of the judgment rendered in the above entitled case, an execution was issued by the Clerk of the District Court to the Sheriff of Union County, Iowa. The execution ordered the sale of the defendants: Real Estate: ☒ Personal Property: ☐. The execution was issued to satisfy a judgment in rem: ☒. The property is described below or on attached sheet.

Description: Lot Numbered One Hundred Thirty-nine (139) in West Creston, Section "C", in Creston, Union County, Iowa.

E-911 Address: 213 PETERSON, CRESTON

Sale Date: 3/23/10

Sale Time: 11:30 A.M.

Location of Sale: East steps of the Union County Courthouse Creston, Iowa.

Homestead: ☒ Defendant is advised that if the described real estate includes the homestead, (must not exceed ½ acre if in the city or town plat, or, if rural, must not exceed 40 acres.) The defendant must file a homestead plat with the Office of the Sheriff of Union County, Iowa, within 10 days after the service of this notice, or the Sheriff shall have it platted and will assess the costs of this case. After sale of said real estate, the defendant may redeem the property within.

Redemption: One year: ☐ 6 months: ☒ Other: ☐

No redemption: ☐ THIS SALE IS NOT SUBJECT TO REDEMPTION PER ORDER OF THE COURT.

Property exemption, certain money or property may be exempt. CONTACT your attorney promptly to review specific provisions of the law and file the appropriate notice, if applicable.

Judgment Amount: \$56,023.55

Interest: INTEREST ON THE PRINCIPAL AMOUNT OF \$48,371.93 AT THE RATE OF 6.875% PER ANNUM FROM 10/31/09 UNTIL SATISFIED

Costs of Suit: \$353.85

Other costs: PLUS COSTS OF THIS ACTION AND ACCRUING COSTS

Signed: _____

Rick L. Piel, Sheriff

Union County Sheriff's Office

Deputy:

Ph # 800-252-3520 or 641-782-7717

FAX 641-782-8404

Attorney for Plaintiff:

Name: DAVID M. ERICKSON

Address: 215 10TH ST, SUITE 1300

DES MOINES, IA 50309

Phone: 515-288-2500

Date: 1/28/10

CERTIFICATE OF APPOINTMENT OF COMMISSIONERS
OF THE HOUSING AUTHORITY OF THE CITY
Creston IOWA

WHEREAS, The City Council of Creston, Iowa held a duly authorized regular meeting on the _____ day of _____, 20____;

WHEREAS, at said meeting the following resolution was passed and adopted:

RESOLUTION NO. _____

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF Creston Iowa

That the City Council of the City of Creston Iowa hereby make the following resolution.

WHEREAS, a resolution has been passed and adopted entitled "Resolution Approving and Authorizing the Execution of a Certain Joint Exercise of Powers Agreement for the Purpose of Creating a Multi-County Housing Authority."

NOW, THEREFORE, Pursuant to the provision of Chapter 28E. Code of Iowa, and by virtue of our office as City Council, we hereby appoint _____

Name of Appointee

for three years, as the one (1) person to serve as Commissioner of the Southern Iowa Regional Housing Authority, representing the City of Creston, Iowa, and to serve for the number of years appearing after his name, respectively, from the ninth day of April, 2010.

IN WITNESS WHEREOF, I have hereunto signed my name as Mayor of the City Council of the City of Creston, Iowa and caused the official corporate seal of said City of Creston Iowa to be attached hereto this _____ day of _____, 20____.

Mayor of the City Council of
Creston Iowa

ATTEST:

Clerk

APPOINTEE INFORMATION

Mailing Address

City, State, Zip Code

Home Phone

Business Phone